

**NEWFIELDS PLANNING BOARD MINUTES**  
**MAY 19, 2005**

**Attendance:** Michael Price, John Hayden, Bob Devantery, Bill Meserve, Betsy Coes, Mike Todd and Town Planner Reuben Hull

Chairman Mike Price called the meeting to order at 7 pm.

The Les Case Subdivision was continued until next month at Mr. Case's request.

**New Applications- SML, LLC-Coed Sportswear Site Plan Review**

Owner Mark Lane explained that he would like to expand the Coed Sportswear parking lot on Map 102 Lot 56.1. They repaved the existing parking lot and would like to add 18 additional parking spaces along the entrance to Coed Sportswear.

Reuben mentioned that the site is part of a subdivision approved with variances in 2003 to allow for two non-conforming lots. The applicant is looking for a denial tonight so that they can go before the ZBA to allow for the expansion of use on a non-conforming lot. Following ZBA approval, they would come back before the Planning Board for site plan review.

Reuben also said that parking on the Newbrook lot is no longer available for employees or visitors. The current parking meets the zoning requirements but does not meet the needs of the business. Coed Sportswear has an access easement across the Newbrook lot Map 102 Lot 56.2.

Mark Lane further explained that he would like to include a sidewalk to go from the upper lot to the lower lot. He would prefer his employees to walk from the parking lot on a sidewalk rather than the roadway. He would like to have more than the minimum parking required by the zoning because it would be nice to have an area for visitors to park.

Mike Price asked if there were any drainage issues. Drainage will be addressed in the site plan review. Currently there is drainage in the roadway.

A motion was made by Mike Todd and seconded by Bill Meserve to deny acceptance of the application as submitted and refer the applicant to the ZBA for expansion of a non-conforming lot. The motion carried. Yes-5, No-0

**River Run Conservation Subdivision-Old Lee Road-15 lots**

Christian Smith presented the final plan for the River Run Conservation Subdivision. He submitted a copy of the state subdivision approval and site specific permit. He mentioned that the bond amount has been approved but is not in place at this time. Mr. Falzone submitted the check for \$25,000 for the offsite sidewalk contribution. The applicant would like to get the mylar signed tonight and held for recording when the bond is in place and the letter of credit is received by the Town. The Board signed the mylar and

Reuben will record it when the bond is received. Reuben will also have the Homeowner's Documentation recorded. Mr. Falzone will be billed for the recording fees.

### **Nichols Subdivision**

This subdivision plan was accepted at last month's meeting. Reuben stated that the plan is complete and ready for approval and recording. Paul Nichols submitted \$32.00 for the recording fee and the mylar was signed by the Board.

### **Pride Development-Gas Station/Convenience Store**

A payment of \$6,225.00 was received by the Town Offices today, 5/19/2005. Scott Mitchell addressed the Board on behalf of Pride Development. They are looking for acceptance of the plan. Reuben noted that the plan was accepted at the January 20<sup>th</sup> meeting and Sue confirmed. Scott presented a new site plan for a 3,750 ft. convenience store and six gas pumps. The drive through and Dunkin Donuts has been eliminated. The Route 85 access would be a right turn in and right turn out and there will be access on Route 108.

The Board was concerned with the access on Route 85. They would like to see full access off of Route 108 or access combined with the post office site.

Reuben recommended that the Board discuss and consider the following items:

1. Develop an Access Management Plan as recommended by our traffic engineer, Kevin Dandrade with applicant contributing to costs.
2. Have a hydro geological consultant conduct an aquifer study of the site, with costs to be paid by the applicant.
3. Establish an escrow account and require applicant to prepay consultation review fees prior to authorization.

An access management plan would determine how the driveways and the entire corner would work with another curb cut.

Reuben explained that a variance was granted to allow underground fuel tanks to be placed in an aquifer protection area. He is recommending that a hydro geological study be done to confirm that the site is indeed in the aquifer protection area because this is a very important issue if it is.

The escrow account for consultation review fees should be established in the amount of \$5,000.00. This is the Planning Board's new policy as of March 8, 2005.

Scott Mitchell commented on Reuben's recommendations. He said that they have already been before the ZBA and received approval. He thinks they should be

grandfathered and not be required to have an aquifer study done because the State approves and dictates how the fuel tanks are installed

Reuben informed Scott that the variance allows the applicant the opportunity to put the fuel tanks in the aquifer but it does not mean that the Planning Board is required to approve it. The Planning Board cannot reject on a zoning matter because of the variance but they can reject the application on a scientific basis.

Reuben requested that a full set of plans and reports be forwarded to him for his review.

The applicant decided that they are willing to conduct the aquifer study.

A motion was made by Mike Todd and seconded by Bill Meserve to continue discussion at next month's meeting. The motion carried. Yes-5, No-0.

Scott Mitchell did request direction from the Board on whether or not to pursue the access on Route 85. The Board informed him that they would like to see the driveway combined with the post office site or have no access at all on Route 85.

A motion was made by Bill Meserve and seconded by Mike Todd to contact DOT to inform them that the Planning Board is strongly opposed to any additional access onto Route 85 from the Mastropietro lot. The motion carried. Yes-5, No-0. Reuben will draft a letter to send to DOT.

### **Newfields General Store**

The Board has received complaints about the lights being brighter and on all night at the Newfields General Store. The Board asked Nancy Kingston about the lights. Nancy explained that the lights are the same ones that have always been there. The existing lights have not changed but they are brighter because the lenses have been cleaned. There will be no lighting changes made until she figures out what she wants for new lamps. The public service security lights have always been there and the flood lights have new fixtures.

Reuben noted that there is no ordinance to enforce the lighting at the store and require Nancy Kingston to turn them off during the night.

### **Evergreen Estates-Construction Trailer**

Mike Price stated that the temporary construction trailer at the Evergreen Estates Subdivision has been landscaped. He is questioning if it has become a sales trailer. The Board instructed Town Planner Reuben Hull to remind the developers of the town regulations and the fact that the trailer was approved as a temporary construction trailer.

### **Post Office**

Mike Price mentioned that the post office entrance has been widened without the approval of the Planning Board. They are pleased that Cedar Island Ledge is taking the recommendations that they made but would like them to get approval for any further

changes that will be made on the site. A motion was made by John Hayden and seconded by Mike Todd to request that Reuben review the post office site to make sure things have been done as approved. The Board talked about the buffer plantings and improvements that have been made. Reuben's review comments will be forwarded to Bill Davis.

### **Excel Management-Great Bay Campground Store**

Mike Todd recused himself from the Board. Mike Price explained that Certified Soil Scientist Michael Cuomo sent a letter to the Selectmen concerning the septic system at the Campground Store not being inspected. He is also concerned that the uses in the building far exceed those permitted by the wastewater disposal system approved for the site.

Mike Todd said that it was an unfortunate oversight of the installer not having the bed bottom inspection done by Mike Cuomo. The inspection requirement was clearly marked on the plan and the State Inspector was called to the site several times. Mike was not directly involved with the system installation and was unaware of the oversight.

The prior septic system at the store failed due to an improperly maintained grease trap and operated fine after being replaced. Mike Cuomo felt that the failure in 2002 was from improper bed bottom construction and that is why he was so concerned about inspecting the new system. The Board suggested that Mike Cuomo talk to the State Inspector.

Mike Todd also explained that the wastewater disposal system was designed to handle the flow of the existing uses. The engineer oversized the system to assure that any type of business could occupy the premises. The system is designed properly for the barber shop and dry cleaner drop off. Mike suggested that in the future, a site plan with addendums should be forwarded to Rockingham Conservation when there are changes in use.

Reuben said that the Certificate of Operation and Construction that are in the files refer to the deli not to the barber shop or dry cleaner drop off. It is up to the septic designer to prove that the system is adequate for the uses in the building.

Mike Todd presented a letter from the engineer with the daily septic flow calculations which proved the adequacy of the system. The letter will be forwarded to Mike Cuomo for his review.

Mike Todd will contact the state inspector and have him contact Mike Cuomo to discuss the bed bottom inspection. Any further modifications would require coming back before the Planning Board.

Mike Todd updated the Board on other concerns that have been raised. The privacy fence is up and the plantings are in place. The owner chose to use vegetation for privacy rather than slats in the fence. The lighting is a low profile recessed fixture. The wattage per square foot of canopy is less than the previous canopy but there is more total light

because the canopy is larger. There are two signs on the canopy and one illuminated sign.

John Hayden mentioned that during various public hearings on the project, the Board specifically discussed minimizing the lighting impact. The Board would like to see something done with the lights to lessen the brightness on the site at night. Light shields were discussed as well as possibly removing some of the lights.

Jill Robinson from the Rockingham Planning Commission presented a slide show on alternative subdivision zoning and designs.

The following amendments to the Site Review Regulations and Subdivision Regulations were discussed and voted on with motions made and seconded.

## **Town of Newfields Site Review Regulations**

**Bold** indicates additions

Strikethrough indicates deletions

*[Purpose: clarification of new application acceptance policy]*

### Section 10.8.2 Formal Application

#### 10.8.2.1

*[Add]*

**A complete application shall include the following:**

- (a) All applicable items listed in Section 10.9,**
- (b) Complete and signed copy of "Newfields Site Plan Review Checklist",**
- (c) Proof of payment of all required fees, and**
- (d) Proof of compliance with all applicable provisions of the Newfields Zoning Ordinance. For any and all non-compliant provisions, evidence of action by the Newfields Zoning Board of Adjustment is required prior to the application being deemed complete.**

**Applications shall be received only at the regular meetings of the Planning Board. Applications submitted to the Town Offices will be formally received at the next regularly scheduled Planning Board meeting. Submitted applications will be reviewed for completeness and scheduled for an acceptance hearing, if deemed complete.**

**An application shall be accepted only at the regular meetings of the Planning Board, following the completion of the appropriate application procedure and the receipt of a written memorandum from the Chairman of the Planning Board, or duly assigned agent of the Board, certifying the technical compliance of said application. The sixty-five (65) day period for review does not begin until a complete application has been submitted by the subdivider and accepted by the Board.**

*[Purpose: conformance with state statutes]*

### Section 10.8.3 Notification

*[Add]*

Notice of the application shall be sent by certified mail as least 10 days prior to the public hearing to the following;

- (a) The applicant and current property owner
- (b) Abutters as defined by these regulations
- (c) holders of conservation, preservation, or agricultural preservation restrictions
- (d) All design professionals (engineer, architect, land surveyor, soil scientist, wetlands scientist, etc.) whose professional seal appears on the plat submitted to the Board.

### Section 10.8.4 Acceptance, Formal Consideration and Public Hearing

*[Revise]:*

- 10.8.4.1 .... This marks the beginning of the ninety (90) **sixty-five (65)** day review period described in Section 8.4.5 of these regulations.
- 10.8.4.5 Within ninety (90) **sixty-five (65)** days of formal acceptance of the site plan, the Planning Board will make a decision on the site plan proposal as follows:
  - 10.8.4.5.1 Approval. At a duly noticed public meeting... The ninety(90) **sixty-five (65)** day time limit....

*[Purpose: add provisions for fire protection facilities outside municipal water service area]*

### Section 10.9 Specific Plan Requirements

*[Add]*

#### 10.9.16 Fire Protection

In the case of subdivisions which do not have access to adequate water for fire fighting purposes, the Board may, after consultation with the Fire Department, require the construction of a cistern, fire pond, dry hydrant, or combination of the above, as deemed necessary.

- (a) Commercial buildings of up to 10,000 sq. ft., without municipal water service, require one (1) 15,000-gallon underground water storage tank. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)
- (b) Commercial buildings over 10,000 sq. ft., without municipal water service, require minimum of one (1) 30,000-gallon underground water storage tank. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)
- (c) Commercial subdivisions without municipal water service may use one (1) 30,000-gallon underground water storage tank for multiple buildings providing distance between water source and building not to exceed 1,500 ft. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)

- (d) Industrial buildings of up to 50,000 sq. ft., without municipal water service, require minimum of one (1) 30,000-gallon underground water storage tank. Additional or larger tanks may be required upon review of building usage (gas station, fuel depot, welding supply, lumberyard, etc.)
- (e) Industrial buildings over 50,000 sq. ft., require municipal or local water supply for fire suppression
- (f) Agricultural buildings (barns, stables) may require underground water storage tanks. Size and quantity will be recommended upon review by the Fire Department.

## Town of Newfields Land Subdivision Control Regulations

**Bold** indicates additions

Strikethrough indicates deletions

*[Purpose: for consistency between subdivision and site review regulations]*

### Section II Definitions

*[Revise]*

- A. Abutter means the owner of record of a parcel of land which is contiguous, at any point, to the parcel being subdivided. **means any person whose property is located in New Hampshire and within two hundred (200) feet of any property line, including across a street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term 'abutter' shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.**

*[Purpose: clarification of new application acceptance policy]*

### Section III Procedure

#### A. Application

*[Add]*

A complete application shall include the following:

- (e) All items listed in Section VI for a final plat (including, but not limited to, an application form, plats, plans, studies, reports, and other supporting documentation),
- (f) Complete and signed copy of "Newfields Subdivision Plan Checklist",
- (g) Proof of payment of all required fees, and
- (h) Proof of compliance with all applicable provisions of the Newfields Zoning Ordinance. For any and all non-compliant provisions, evidence of action by the Newfields Zoning Board of Adjustment is required prior to the application being deemed complete.

Applications shall be received only at the regular meetings of the Planning Board. Applications submitted to the Town Offices will be formally received at the next regularly scheduled Planning Board meeting. Submitted applications will be reviewed for completeness and scheduled for an acceptance hearing, if deemed complete.

An application shall be accepted only at the regular meetings of the Planning Board, following the completion of the appropriate application procedure and the receipt of a written memorandum from the Chairman of the Planning Board, or duly assigned agent of the Board, certifying the technical compliance of said application. The sixty-five (65) day period for review does not begin until a complete application has been submitted by the subdivider and accepted by the Board.

*[Purpose: conformance with state statutes]*

### Section III Procedure

#### D. Public Hearing

*[Add]*

Notice of the application shall be sent by certified mail as least 10 days prior to the public hearing to the following;

- (e) The applicant and current property owner
- (f) Abutters as defined by these regulations
- (g) holders of conservation, preservation, or agricultural preservation restrictions
- (h) All design professionals (engineer, architect, land surveyor, soil scientist, wetlands scientist, etc.) whose professional seal appears on the plat submitted to the Board.

#### E. Approval

*[Revise]:*

Approval. The Board shall within 90 **65** days from the date of submission **acceptance** of the final plat and all materials...

*[Purpose: clarification and consistency within the definition of cul-de-sac]*

### Section VII Road and Utility Standards

*[Revise]*

#### B. Street Design...

7. Except where near future connections may be possible **are required by the Planning Board**, dead end or cul-de-sac streets shall not in general exceed 400 **650** feet in length, and shall be equipped with a turnaround at the closed end with a minimum radius of 90 feet from the center to the outside edge of the right-of-way, or a "T" shaped turn around measuring at least 80' along the top of the "T" under a paved width of at least 20'. Minimum pavement width shall be 20'. Minimum sidewalk width when required 4' **5'**, minimum shoulder width 2 feet on each side. Cul-de-sac streets (including loop roads)



require a minimum road length of 150 feet before the beginning of a cul-de-sac bulb or loop intersection. Measurement of cul-de-sac streets shall be from the centerline of the nearest approved street with multiple points of access, at its intersection with the cul-de-sac street, to the most distant point at the end of the cul-de-sac bulb or loop, as measured along the street centerline. **Cul-de-sacs shall not service more than 6 lots or fewer than 4 lots.**

*[Purpose: add provisions for fire protection facilities outside municipal water service area]*

## Section VII Road and Utility Standards

*[Add]*

### H. Fire Protection

1. In the case of subdivisions which do not have access to adequate water for fire fighting purposes, the Board may, after consultation with the Fire Department, require the construction of a cistern, fire pond, dry hydrant, or combination of the above, as deemed necessary.
  - (g) Residential subdivisions of 2 lots and lot line adjustments are exempt from this requirement.
  - (h) Residential subdivisions of 3 lots to a maximum of 30, without municipal water service, require one (1) 15,000-gallon underground water storage tank, with a maximum distance of 1500 ft. between storage tank and outermost structure. Additional storage tanks are required for distances greater than 1500 ft.
  - (i) Residential subdivisions of 31 lots to a maximum of 60, without municipal water service, require two (2) 15,000-gallon underground water storage tank, with a maximum distance of 1500 ft. between storage tank and outermost structure. Additional storage tanks are required for distances greater than 1500 ft.
  - (j) Residential subdivisions of 61 lots or more, without municipal water service, require three (3) 15,000-gallon underground water storage tank, with a maximum distance of 1500 ft. between storage tank and outermost structure. Additional storage tanks are required for distances greater than 1500 ft.
  - (k) Non-residential cistern requirements are specified under the Town of Newfields Site Review Regulations.
2. Upon approval by the Fire Department, an engineered fire pond or dry hydrant, may be substituted for cistern requirements.
3. Subdivisions with frontage on bodies of water may be required to provide easements at suitable intervals for access of fire fighting equipment to said bodies of water for fire fighting purposes. The Town of Newfields shall have the right to remove all growth and other obstructions from said easements and to improve them for the purpose intended.

### I. General... [renumber]

The April 21<sup>st</sup> minutes were reviewed. A motion was made by John Hayden and seconded by Mike Price to accept the minutes. The motion carried. Yes-5, No-0

The meeting adjourned at 10:30 pm. The next meeting will be Thursday June 16, 2005 at 7:00 pm at the Newfields Town Hall.

Respectfully submitted,

Sue McKinnon